

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Justin Francis	Team: Squad #6	CCRB Case #: 201802209	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/15/2018 8:40 AM	Location of Incident: In front of § 87(2)(b)	Precinct: 72	18 Mo. SOL 9/15/2019	EO SOL 9/15/2019	
Date/Time CV Reported Thu, 03/15/2018 10:27 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/21/2018 10:59 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Anthony Taccetta	19565	959283	072 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Thomas Redmond	02646	948411	072 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Anthony Taccetta	Discourtesy: PO Anthony Taccetta spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B.POM Anthony Taccetta	Abuse: PO Anthony Taccetta threatened to issue a summons to § 87(2)(b)	§ 87(2)(b)

## Case Summary

On March 15, 2018, § 87(2)(b) filed this complaint with IAB under log number 2018-10498. On March 21, 2018, IAB referred this case to the CCRB.

On March 15, 2018 at approximately 8:40 A.M., § 87(2)(b) and his brother, § 87(2)(b) were sitting in their vehicle parked under the Gowanus Expressway and across from the § 87(2)(b)'s auto shop located at § 87(2)(b) in Brooklyn, when PO Anthony Taccetta and Sgt. Redmond of the 72<sup>nd</sup> Precinct approached their vehicle.

§ 87(2)(b) explained that he and § 87(2)(b) were eating in their vehicle because their father, who owns their auto shop across the street, had the heat on in the shop. PO Taccetta responded "No one gives a fuck about you and your family," "No one gives a shit about your shop," and "No one gives a shit." (**Allegation A: Discourtesy** § 87(2)(g)) PO Taccetta then asked for § 87(2)(b)'s license to issue a summons for idling. § 87(2)(b) disputed that his engine was idling. PO Taccetta asked if he looked "like an asshole" and if he was being called a "fucking liar" (**also, Allegation A: Discourtesy** § 87(2)(g)).

PO Taccetta prepared the summons and then presented the summons to § 87(2)(b) for idling. PO Taccetta then told § 87(2)(b) to pick up garbage that he had thrown out of the vehicle's passenger side window or he would issue him a summons (**Allegation B: Abuse of Authority: Threat of Summons**). § 87(2)(b) complied with this instruction and no summons was issued to him. The officers then left the scene.

There is no video footage of this incident available.

## Findings and Recommendations

### **Allegation (A) Discourtesy: Police Officer Anthony Taccetta spoke discourteously to § 87(2)(b)**

On March 15, 2018 at approximately 8:40am, § 87(2)(b) and his brother, § 87(2)(b) were sitting in a grey 1998 BMW parked underneath the Gowanus Expressway. While in the car, they were eating breakfast when they were approached by PO Taccetta and Sgt. Redmond. PO Taccetta approached the driver's side of the vehicle and questioned what the brothers were doing inside the vehicle. § 87(2)(b) responded that they were eating breakfast inside their vehicle, as their father, who owns an auto shop across the street, had the heat on inside the shop and they did not want to eat there. PO Taccetta responded, "No one gives a fuck about you and your family," and "No one gives a shit about your shop." PO Taccetta requested § 87(2)(b)'s license and registration and stated he was going to issue a summons for idling. When § 87(2)(b) responded that they were not idling as the vehicle was not turned on, PO Taccetta asked § 87(2)(b) if he was calling him [PO Taccetta] a "fucking liar" and if he "looked like an asshole."

§ 87(2)(b) provided a verified interview on April 25, 2018. § 87(2)(b) confirmed that PO Taccetta approached the vehicle and was immediately upset. PO Taccetta told § 87(2)(b) that the vehicle was idle. § 87(2)(b) responded that the vehicle was turned off and not running. PO Taccetta asked if § 87(2)(b) was calling him a "fucking liar" and if he looked like a "fucking asshole." PO Taccetta then asked what the brothers were doing in the vehicle. When § 87(2)(b) stated that they were eating breakfast and preferred to do so in the vehicle rather than their father's shop, PO Taccetta responded, "No one cares about your shop. I don't give a shit." He did not state that PO Taccetta said, "No one gives a fuck about you and your family."

PO Taccetta confirmed that he and Sgt. Redmond approached § 87(2)(b)'s vehicle (BR 05). PO Taccetta testified that § 87(2)(b) was rude to him but that he did not dispute that he was idling. PO Taccetta denied asking § 87(2)(b) if he was a “fucking liar” or if he “looked like an asshole”. He also denied saying “No one gives a shit about you or your shop,” “No one give a fuck about your family,” or using any profanity or discourteous language during his interaction with § 87(2)(b).

Sgt. Redmond confirmed that he and PO Taccetta approached § 87(2)(b)'s vehicle (BR 06). Due to the traffic on the Gowanus Expressway and on Third Avenue along with being on the passenger side of the vehicle, Sgt. Redmond could not hear the conversation PO Taccetta had with § 87(2)(b). Sgt. Redmond did note that after PO Taccetta received § 87(2)(b)'s license, PO Taccetta met with him at the back of § 87(2)(b)'s vehicle and stated that § 87(2)(b) was “being a dick” to him. As this comment was not said in the presence of a civilian or directed to a civilian, it was not pleaded.

§ 87(2)(g)

§ 87(2)(g)

**Allegation B: Abuse of Authority: PO Anthony Taccetta threatened to issue a summons to**

§ 87(2)(b)

§ 87(2)(b) alleged that after PO Taccetta provided § 87(2)(b) with the summons of idling, he instructed § 87(2)(b) to pick up trash located outside of his passenger side door or he would be issued a summons for littering. During his CCRB interview, § 87(2)(b) denied that he threw any garbage from his earlier breakfast however, made no such remark during the incident. Instead, § 87(2)(b) complied with the instruction and picked up the garbage. He was not issued a summons for littering.

§ 87(2)(b) corroborated this allegation that PO Taccetta threatened § 87(2)(b) with a summons if he did not pick up the garbage by the side of the vehicle.

§ 87(2)(b) and § 87(2)(b)'s father, could not be reached for a statement.

Both PO Taccetta and Sgt. Redmond testified that they observed § 87(2)(b) throw a paper wrapper out of the passenger window. After PO Taccetta handed the idling summons to § 87(2)(b) he instructed § 87(2)(b) to pick up the garbage that he threw out of the window or he would be issued a summons.

Vehicle and Traffic Law 1220 notes that no person shall throw, dump, deposit or place, or cause to be thrown, dumped, deposited or placed upon any highway, or within the limits of the right of way of such highway, or upon private lands adjacent thereto, any refuse, trash, garbage, rubbish, litter or any nauseous or offensive matter. (BR 11)

§ 87(2)(g)

### **Allegations Not Pleaded**

§ 87(2)(b) alleged that during his interaction with PO Taccetta, § 87(2)(b) § 87(2)(b) attempted to also explain that the vehicle was not idling as it was turned off. PO Taccetta allegedly responded to § 87(2)(b) “Shut up or I’ll give you a ticket too.” Given that § 87(2)(b) did not make this allegation, § 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- PO Anthony Taccetta has been a member of service for two years. He has been a subject in two prior CCRB investigations: 201607030 and 201802537. § 87(2)(g)

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of July 5, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (BR 07).

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Squad No: 6

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date